

## **REMARKS**

By entry of this amendment, claims 1-20 and 28-36 are pending in the present application. Claims 1 and 28-34 are amended. Claims 21-25 have been canceled, and claims 35 and 36 are new. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of the application.

### **Substance of Interview**

Applicant's representative thanks Examiner Perez for the courtesies extended during the telephone interview held September 18, 2008. During the interview, the applied prior art was discussed in detail. In particular, the storage of the data comprising the plurality of prediction points was discussed. Potential claim amendments were discussed. The resulting claim amendments are the result of the discussion with Examiner Perez. No agreement was reached. Applicant submits that the above and the following remarks describe the substance of the Examiner interview and an additional submission is not necessary.

### **Claim Rejections under 35 U.S.C. §103(a)**

#### **Claims 1-9, 17, 19 and 28-29**

Claims 1-9, 17, 19, 21, 25 and 28-29 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,192,240 to Tayloe et al. (U.S. Patent No. 6,192,240) in view of U.S. Patent No. 6,721,572 to Smith et al. and further in view of Skidmore et al. (U.S. Patent No. 6,442,507). Applicant respectfully traverses.

Independent claim 1 recites, inter alia:

consulting data stored within at least one of said mobile communication devices, said data comprising ***a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress***, wherein a prediction point is separated from an interruption point by a first predetermined time or distance interval, and a second predetermined time or distance interval between the interruption point and a connectivity point defines a no-coverage zone, the communication being capable of being re-established at or beyond the connectivity point outside the no-coverage zone, ***wherein said data is stored within said at least one mobile communication device prior to the mobile communication device arriving at one of said plurality of predetermined prediction points***;

Applicants respectfully submit that the applied prior art does not disclose or suggest the above highlighted claim language. For example, Tayloe depends on a satellite to provide a list of cells in the area of subscriber unit available for continuing an ongoing call by the subscriber unit. If a cell is not available, the call terminates when the subscriber exits the range of the present cell. Available cell data is not the same as data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress...wherein said data is stored within said at least one mobile communication device prior to the mobile communication device arriving at one of said plurality of predetermined prediction points as recited in the claim.

As for Smith, it describes at column 10, lines 20-34, a server/base station that tracks and notifies a driver that a dead zone is approaching. The driver does not refer to any data stored within the vehicle nor is the data stored prior to the mobile communication device arriving at a prediction point. Smith does not disclose or suggest the above highlighted claim language.

Skidmore is asserted for its alleged disclosure of the plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference. However, Applicants respectfully submit that Skidmore is directed to measuring wireless communication signal properties within a facility based upon building drawings (see column 2, lines 48-51) and locating wireless equipment or modifying the building interior accordingly. Skidmore is not intended to provide mapping of no-coverage areas as described in Applicant's specification. Furthermore, Skidmore does not overcome, nor is it asserted to overcome, the deficiencies of Tayloe and Smith.

Tayloe, Smith and Skidmore, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's independent claim 1. Claim 1 defines over the applied prior art. Claims 2-9, 17 and 19 depend from claim 1, and are also allowable.

As for claim 28, it recites an intelligent mobile device comprising logic to perform substantially the same features recited above in claim 1. Claim 28 is allowable for at least the same reasons as claim 1.

Similarly, claim 28 recites, *inter alia*:

**wherein said *data is stored within said mobile electronic device in at least one of the communication devices prior to at least one of the communication devices arriving at one of said plurality of predetermined prediction points***;

Tayloe, Smith and Skidmore, either individually or in combination, do not disclose or suggest all of the features of an intelligent mobile device as recited in Applicant's independent claim 28. Specifically, neither Tayloe, Smith or Skidmore disclose or suggest data is stored

within said mobile electronic device in at least one of the communication devices prior to at least one of the communication devices arriving at one of said plurality of predetermined prediction points as recited in claim 28. Accordingly, claims 28 and claim 29, which depends from claim 28, are allowable.

Claims 21 and 25 have been canceled; therefore, the rejection of claims 21 and 25 is moot. Applicants request that the rejection of claims 1-9, 17, 19 and 28-29 be withdrawn.

#### **Claims 10-16, 18 and 30-32**

Claims 10-16, 18, 20, 22-24 and 30-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tayloe in view of Smith and Skidmore as applied to claims 1, 12 and 15 and in further view of Amin et al. (U.S. Patent No. 5,995,830).

Amin is cited for its disclosure of announcing a reason for a communication interruption between devices. Amin does not overcome, nor is it asserted to overcome, the deficiencies of Tayloe, Smith and Skidmore described above. Tayloe, Smith, Skidmore and Amin, either individually or in combination, do not disclose or suggest all of the features of an intelligent mobile device as recited in Applicant's claims 10-16, 18 and 30-32. Accordingly, claims 10-16, 18 and 30-32, which depend from independent claim 1, are allowable.

#### **Claims 33 and 34**

Claims 33 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tayloe in view of Smith and Skidmore further view of Ashby et al. (U.S. Pub No. 2006047280A).

Ashby is cited for its disclosure of allegedly sending at least one reconnection indication to a the other communication device upon a successful reconnection to the one communication device (page 13, third paragraph of Office Action). Ashby does not overcome, nor is it asserted to overcome, the deficiencies of Tayloe, Smith and Skidmore as explained above with respect to claim 1. Claims 33 and 34 are allowable for at least the same reasons as claim 1.

Moreover, claim 33, which depends from claim 1, recites:

wherein ***the prediction points are set and stored by a manufacturer*** of the one of the communication devices.

and claim 34 recites:

wherein ***the prediction points are programmed by a subscriber*** associated with the one of the communication devices ***and stored in the communication device.***

Ashby does not disclose or suggest the prediction points that are set and stored by a manufacturer as recited in claim 33, or prediction points that are programmed by a subscriber and stored as recited in claim 34. For these additional reasons, claims 33 and 34 are allowable. Tayloe, Smith, Skidmore and Ashby, either individually or in combination, do not disclose or suggest all of the features recited in Applicant's claims 33 and 34. For at least these reasons, claims 33 and 34, which depend from independent claim 1, are allowable.

#### **New Claims 35 and 36**

New claims 35 and 36 further limit claims 33 and 34, and are allowable for at least the same reasons.

#### **CONCLUSION**

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. Applicants assert that the claims are in condition for allowance and respectfully request that the Examiner pass this case to issue at the Examiner's earliest convenience.

Applicants authorize payment of any additional fees under 37 C.F.R. §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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